

Coal, from the Mining Facilities of Sierra Coal Co., Inc., located approximately 3 miles northeast of Porum, Okla., to the loading facilities of Sierra Coal Co., Inc., located on the Arkansas River at or near Webbers Falls, Okla., for 180 days. Supporting shipper: Sierra Coal Co., Frank Podpechan, President, Claremore, Okla. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 138044 TA, filed September 20, 1972. Applicant: F. H. STEEDLEY, doing business as F. H. STEEDLEY PRODUCE COMPANY, 1914 State Street, Waycross, GA 31501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Ice, from Waycross, Ga., to Jacksonville, Fla., for 180 days. Supporting shipper: Atlantic Refrigerated Warehouse, a division of Munford, Inc., 68 Brookwood Drive NE., Post Office Box 7701, Station C, Atlanta, GA 30309. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 138045 TA, filed September 19, 1972. Applicant: INTERCONTINENTAL DISTRIBUTION SYSTEMS, a corporation, 1140 Ala Moana Boulevard, Honolulu, HI 96813. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Household goods, as defined by the Commission, between points in Hawaii, restricted to traffic originating at or destined to points beyond Hawaii, for 180 days. NOTE: Applicant requests that the usual restriction against tacking and combining be deleted. Supporting shippers: Acme Fast Freight, Inc., Post Office Box 3247, Terminal Annex, Los Angeles, CA 90051; Burnham World Forwarders, Inc., 1632 Second Avenue, Columbus, GA 31901; Dillingham Marine Division Hawaii, Post Office Box 3288, Honolulu, HI 96801; Garrett Forwarding Co., Post Office Box 4048, Pocatello, ID 83201; and, Interstate World Forwarders, Inc., Post Office Box 4168, Torrance, CA 90510. Send protests to: Acting District Supervisor A. J. Rodriguez, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 138049 TA, filed September 22, 1972. Applicant: R & S TRUCK SERVICE, INC., Market and Fourth Avenue, Lexington, NC 27292. Applicant's representative: John H. Smith (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Trucks, tractors, buses, and trailers (except trailers designed to be drawn by passenger automobiles) as replacement vehicles for wrecked disabled trucks, tractors, buses, and trailers, in interstate or foreign commerce, from Davidson,

Randolph, and Rowan Counties, N.C., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia; and wrecked and disabled trucks, tractors, buses and trailers, from points in the above named destination States to points in Davidson, Randolph, and Rowan Counties, N.C., for 180 days. Supported by: There are approximately six statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Frank H. Wait, Jr., Interstate Commerce Commission, Bureau of Operations, Suite 417, BSR Building, 316 East Morehead Street, Charlotte, NC 28202.

No. MC 138052 TA, filed September 21, 1972. Applicant: GOLD COAST TRUCKING, INC., 140 North Hill Street, Albany, OR 97321. Applicant's representative: Robert G. Simpson, 12th Floor Standard Plaza, Portland, OR. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Malt beverages, containers, cartons, bottle openers, advertising and brewery products moving incidentally to the movement of malt beverages, from Los Angeles and San Francisco, Calif., to Coos Bay, Medford, Grants Pass, Roseburg, Klamath Falls, Bend, Albany, Eugene, Springfield, Salem, Hillsboro, Tillamook, Astoria, The Dalles, Pendleton, and La Grande, Oreg.; and return movement from the same points in Oregon to Los Angeles and San Francisco, Calif., of empty containers, pallettes, spoiled and rejected malt beverages; and wine, containers, and cartons, bottle openers, advertising and winery products moving incidentally to the movement of wine, from Madera, Italian Swiss Colony, Ripon, St. Helena, Elk Grove, Thoman, Asti, San Martin, Culter and Las Gatos, Calif., to Coos Bay, Medford, Grants Pass, Roseburg, Klamath Falls, Bend, Albany, Eugene, Springfield, Salem, Hillsboro, Tillamook, Astoria, The Dalles, Pendleton, and La Grande, Oreg., and return movement from the same points in Oregon to the same points in California, of empty containers, pallettes, spoiled and rejected wine, for 180 days. Supported by: There are approximately 13 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-17276 Filed 10-6-72; 8:51 am]

[Notice No. 138]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 4, 1972.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-74003. By application filed October 2, 1972, BRIAN DOYLE HORSE TRANSPORT LIMITED R.R. No. 4, Dundas, ON Canada, seeks temporary authority to lease the operating rights of LYLE M. GARNETT, 7785 Buckhorn Lake Road, Holly, MI 48442, under section 210a(b). The transfer to BRIAN DOYLE HORSE TRANSPORT LIMITED, of the operating rights of LYLE M. GARNETT, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-17272 Filed 10-6-72; 8:52 am]

[No. MC-116947 (Sub-No. 22)]

SCOTT TRANSFER CO., ATLANTA, GA.

Application for Contract Carrier Application

Order. At a session of the Interstate Commerce Commission, Review Board No. 3, held at its office in Washington, D.C., on the 22d day of September 1972.

It appearing, that by application filed August 19, 1971, Hugh H. Scott, doing business as Scott Transfer Co., of Atlanta, Ga., seeks a permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of metal containers and metal container parts and accessories and equipment, used in connection with the distribution of metal containers and metal container ends when moving with metal containers, from the plantsite of National Can Corp. at Madisonville, Ky., on the one hand, and, on the other, the points indicated below, under contract with National Can Corp. of Chicago, Ill.;

It further appearing, that the application has been processed under the Commission's modified procedure; that applicant has filed verified statements in support of the application; that protestant T.I.M.E.-DC, Inc., has filed a verified statement in opposition to the application; and that applicant has filed a statement in rebuttal;

It further appearing, that applicant's proposed service will meet the distinct needs of the supporting shipper and thus the proposed operation meets the criteria of contract carriage as defined in section 203(a) (15) of the Interstate Commerce Act;

It further appearing, that our required consideration of section 209(b) of the Act demonstrates: (1) That applicant meets the requirement of serving only a limited number of shippers, as he presently holds authority to serve the supporting shipper and the grant of authority will not increase the number of

shippers which applicant serves which will remain at two; (2) that applicant will be able to satisfy shipper's distinct need for a motor carrier capable of providing specialized high-cube van trailers and tractors and of effecting truckload deliveries to customers whose locations frequently change and who are scattered throughout the sought destination area; that shipper National Can Corp. requires the use of extra high-cube 45-foot vans equipped with flat floors, minimum rear door opening heights of 110 inches, rollerbeds, and other specialized equipment to protect freight and facilitate unloading; that customers require exact-time deliveries to meet production needs; (3) that protestant does not operate trailers with sufficient rear door opening height to meet shipper's loading requirements and is otherwise limited territorially in the number of destination or origin points it may serve; that protestant has participated in the involved traffic, but the impact upon protestant's operations will be minor and will be far outweighed by the benefits which will accrue to shipper; (4) that a denial of the application would deprive applicant of expanding its services to an existing contracting shipper and would deprive shipper of an efficient distribution system which is necessitated by the nature of its product; and (5) that the changing character of the shipper's requirements does not appear to be a significant factor here;

It further appearing, that the shipper describes certain items of equipment, materials, and supplies used in the manufacture and distribution of metal containers; that the application as filed seeks no inbound authority; that the application does request authority from the shipper's plant to various States (rather than between such points as is implied by the use of the limitation "on the one hand, and, on the other"); that, accordingly, the authority granted should be rephrased to more concisely describe shipper commodities and to reflect movements between the points involved; and that because the application as published is ambiguous in describing the true nature of the service required, we will require that notice of the authority granted be published as provided below;

It further appearing, that applicant holds, in addition to its outstanding permits, certificates issued in No. MC-117957 and subnumbers thereunder; that inasmuch as the commodities to be transported herein are different from the commodities authorized to be transported under the above-noted certificate, there does not appear to be an opportunity for engaging in any of the discriminatory or undesirable practices against which section 210 of the Interstate Commerce Act is aimed;

And it further appearing, that the evidence submitted in the form of verified statements demonstrates that applicant is experienced in performing the type of service proposed, and is in compliance with the rules and regulations governing motor carrier operations, has suitable and available equipment, and is able, financially and otherwise, to conduct the proposed service, and that the application should be granted as set forth below;

Wherefore, and good cause appearing therefor:

We find, that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of metal containers, and equipment, materials, and supplies used in the manufacture, sale, and distribution of metal containers and metal container ends, between the facilities of National Can Corp., at Madisonville, Ky., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Kansas, Missouri, Oklahoma, and Texas, under a continuing contract or contracts with National Can Corp., of Chicago, Ill., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that a notice of the authority actually granted herein should be published in the FEDERAL REGISTER and issuance of a permit in the proceeding shall be withheld for a period of 30 days from the date of such publication, during which time any proper party in interest who would be prejudiced by the lack of proper notice of the actual origin of the traffic

involved herein, may file an appropriate petition for intervention or other relief, setting forth in detail the precise manner in which it has been so prejudiced; that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969; that an appropriate permit should be issued; and that the application in all other respects should be denied.

We further find, that the holding by applicant of the permit authorized to be issued in this proceeding, and the holding of the certificates in No. MC-117957 and subnumbers thereunder, will be consistent with the public interest and the national transportation policy, subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions, or limitations in the future as it may find necessary to insure that applicant's operations shall conform to the provisions of section 210 of the Interstate Commerce Act.

It is ordered, That said application, except to the extent granted herein, be, and it is hereby, denied.

It is further ordered, That upon compliance by applicant with the requirements of sections 215, 218, and 221(c) of the Act, with the Commission's rules and regulations thereunder, and with the requirements established in Contracts of Contract Carriers, 1 M.C.C. 628, within the time specified in the next succeeding paragraph, and with the condition respecting publication in the FEDERAL REGISTER, a permit be issued to applicant authorizing the operations described above.

And it is further ordered, That unless compliance is made by applicant with the requirements of sections 215, 218, and 221(c) of the Act within 90 days after the date of service of this order, or within such additional time as may be authorized by the Commission, the grant of authority made herein shall be considered as null and void, and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

By the Commission, Review Board Number 3.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.72-17275 Filed 10-6-72;8:52 am]

CUMULATIVE LIST OF PARTS AFFECTED—OCTOBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during October.

| 3 CFR | Page | 13 CFR | Page | 20 CFR | Page |
|-----------------|---------------------|-----------------|--|-----------------|----------------------------|
| PROCLAMATION: | | 302 | 21154 | 405 | 21162 |
| 4160 | 20665 | | | | |
| 4161 | 20931 | 14 CFR | | 21 CFR | |
| 4 CFR | | 23 | 21320 | 19 | 20937 |
| PROPOSED RULES: | | 27 | 21320 | 121 | 21150, 21151, 21278 |
| 331 | 21177 | 39 | 20673, 21320 | 135a | 20938 |
| 404 | 20956 | 71 | 20674, 20806, 20807, 20934, 21160, 21321 | 135b | 20938, 20939 |
| 5 CFR | | 75 | 20807, 21160 | 135c | 20683, 20939 |
| 213 | 21149 | 91 | 20934 | 135e | 20683, 20939, 21279 |
| 890 | 20667 | 97 | 20935 | 135g | 20683 |
| 2411 | 20668 | 121 | 20936 | 141 | 21302 |
| 2470 | 20671 | 169 | 21321 | 148z | 21302 |
| 2471 | 20671 | Ch. II | 20807 | 164 | 20685 |
| 6 CFR | | 207 | 20674 | PROPOSED RULES: | |
| 101 | 20949 | 208 | 20674 | 10 | 21102 |
| 201 | 21306 | 212 | 20674, 20807 | 26 | 21103 |
| 202 | 21306 | 214 | 20675, 20807 | 50 | 21106 |
| 300 | 20828 | 217 | 20675 | 51 | 21112 |
| 305 | 20950 | 239 | 21161 | 135 | 21174 |
| Rulings | 20829-20837 | 241 | 20676 | 141 | 20870, 21344 |
| 7 CFR | | 249 | 20676, 20808 | 141c | 21344 |
| 52 | 21155 | 372a | 20808 | 146c | 21344 |
| 908 | 20933, 21307 | 405 | 21162 | 148f | 21347 |
| 910 | 21157, 21308 | PROPOSED RULES: | | 149g | 21344 |
| 912 | 21308 | 71 | 20727, 20871, 20952-20955, 21160, 21174 | 150d | 21344 |
| 1040 | 20804 | 21175 | | | |
| 1043 | 20804 | 91 | 20955 | 24 CFR | |
| 1832 | 21158 | 207 | 21347 | 1914 | 20940 |
| PROPOSED RULES: | | 208 | 21347 | 26 CFR | |
| 58 | 21331 | 212 | 21347 | 1 | 20686, 20688, 20767, 20799 |
| 722 | 20721 | 214 | 21347 | PROPOSED RULES: | |
| 730 | 21173 | 239 | 21175 | 1 | 20700, 20719, 20853 |
| 775 | 21332 | 15 CFR | | 170 | 21330 |
| 811 | 21333 | 371 | 21309 | 201 | 20838 |
| 911 | 20951 | 373 | 21309 | 250 | 21330 |
| 929 | 20867 | 376 | 21310 | 251 | 21330 |
| 1032 | 21171 | 16 CFR | | 301 | 20700 |
| 1050 | 20952, 21171 | 13 | 21312, 21313, 21315-21318 | 29 CFR | |
| 1062 | 21171 | 600 | 21319 | 1 | 21138 |
| 1064 | 21171 | 17 CFR | | 5 | 21138 |
| 1065 | 21171 | 211 | 20937 | 55 | 21165 |
| 1099 | 21332 | 231 | 20937 | 1904 | 20822, 20823 |
| 1139 | 20867 | 241 | 20937 | 1913 | 21303 |
| 1421 | 21174, 21335 | 251 | 20937 | PROPOSED RULES: | |
| 1701 | 20867, 20952 | 271 | 20937 | 1902 | 20728 |
| 9 CFR | | 18 CFR | | 30 CFR | |
| 76 | 20805, 20933, 21277 | PROPOSED RULES: | | 75 | 20689 |
| 92 | 21149 | 2 | 21181 | 32 CFR | |
| 94 | 21149 | 101 | 21181 | 818a | 20823 |
| 10 CFR | | 104 | 21181 | 824 | 20825 |
| PROPOSED RULES: | | 201 | 21181 | 1301 | 20942 |
| 170 | 20871 | 204 | 21181 | 1302 | 20942 |
| 12 CFR | | 801 | 21355 | 1472 | 20690 |
| 225 | 20673 | 19 CFR | | 1477 | 20690 |
| PROPOSED RULES: | | 11 | 20678 | 33 CFR | |
| 545 | 21178 | 24 | 20678 | 72 | 20693 |
| 561 | 21179 | 133 | 20678 | 92 | 21151 |
| 563 | 21179 | PROPOSED RULES: | | 173 | 21396 |
| | | 22 | 20951 | 174 | 21396 |
| | | | | PROPOSED RULES: | |
| | | | | 175 | 21262 |

FEDERAL REGISTER

21393

| 40 CFR | Page |
|-----------------|----------------------------|
| 180----- | 20825, 21151, 21152, 21278 |
| PROPOSED RULES: | |
| 85----- | 20914 |

| 41 CFR | |
|-----------------|-------|
| 1-1----- | 20693 |
| 1-3----- | 20693 |
| 1-15----- | 20693 |
| 5A-1----- | 20693 |
| 9-7----- | 21322 |
| 9-16----- | 21322 |
| 9-53----- | 21322 |
| 101-26----- | 20940 |
| 101-32----- | 20941 |
| 114-51----- | 20941 |
| PROPOSED RULES: | |
| 60-1----- | 20870 |
| 101-19----- | 20958 |

| 43 CFR | |
|--------------------------|-------|
| PUBLIC LAND ORDERS: | |
| 1985 (see PLO 5263)----- | 20942 |
| 5263----- | 20942 |

| 45 CFR | Page |
|----------|-------|
| 116----- | 20760 |
| 177----- | 20699 |
| 701----- | 21152 |

| 46 CFR | |
|-----------------|-------|
| 31----- | 20826 |
| 71----- | 20626 |
| 91----- | 20826 |
| 171----- | 21404 |
| 172----- | 21404 |
| 173----- | 21404 |
| 280----- | 21323 |
| PROPOSED RULES: | |
| 24----- | 21264 |
| 25----- | 21264 |
| 160----- | 21266 |
| 390----- | 21335 |
| Ch. IV----- | 21184 |

| 47 CFR | |
|-----------------|-------|
| 73----- | 21324 |
| 97----- | 21325 |
| PROPOSED RULES: | |
| 2----- | 20872 |
| 73----- | 20874 |

| 47 CFR—Continued | Page |
|--------------------------|-------|
| PROPOSED RULES—Continued | |
| 81----- | 20729 |
| 83----- | 20729 |
| 87----- | 20872 |

| 49 CFR | |
|-----------------|--------------|
| 192----- | 20694, 20826 |
| 555----- | 20943 |
| 571----- | 20695 |
| 1005----- | 20943 |
| 1033----- | 20827, 21153 |
| 1201----- | 20696 |
| 1202----- | 20696 |
| 1204----- | 20697 |
| 1205----- | 20697 |
| 1206----- | 20697 |
| 1207----- | 20698 |
| 1208----- | 20698 |
| 1209----- | 20698 |
| 1210----- | 20699 |
| 1249----- | 20944 |
| PROPOSED RULES: | |
| 571----- | 20956 |

| 50 CFR | |
|---------|-----------------------------------|
| 10----- | 20699 |
| 32----- | 20828, 20944, 20948, 20949, 21329 |

FEDERAL REGISTER PAGES AND DATES—OCTOBER

| Pages | Date |
|------------------|--------|
| 20659-20760----- | Oct. 3 |
| 20761-20923----- | 4 |
| 20925-21142----- | 5 |
| 21143-21270----- | 6 |
| 21271-21404----- | 7 |

federal register

SATURDAY, OCTOBER 7, 1972

WASHINGTON, D.C.

Volume 37 ■ Number 196

PART II



DEPARTMENT OF TRANSPORTATION

COAST GUARD



BOATING SAFETY

**Reporting of Casualties
and Accidents;
Numbering of Vessels**

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER S—BOATING SAFETY

[CGD 72-54R]

PART 173—VESSEL NUMBERING AND CASUALTY AND ACCIDENT RE- PORTING

PART 174—STATE NUMBERING AND CASUALTY REPORTING SYSTEMS

The purpose of this revision of Subchapter S of Title 33, Code of Federal Regulations, is to prescribe requirements for numbering vessels and for reporting casualties and accidents to implement the Federal Boat Safety Act of 1971 (85 Stat. 213; 46 U.S.C. 1451, et seq.).

A notice of proposed rule making was published in the April 19, 1972, issue of the *FEDERAL REGISTER* (37 F.R. 7751) proposing the establishment of a standard numbering system for vessels required to be numbered under the Act and a uniform reporting system of casualties and accidents involving vessels subject to the Act to be published in Parts 170 and 171 of Subchapter S of Title 46, Code of Federal Regulations.

On May 17, 1972, a public hearing was held in Washington, D.C. to receive the views of interested persons on the proposed regulations. Both before and after the public hearing, written comments from interested persons were received. The Coast Guard has considered all oral and written comments before final action was taken on the proposal.

Subsequent to the notice of proposed rule making and the public hearing, a rule was published in the July 7, 1972, issue of the *FEDERAL REGISTER* (37 F.R. 13346) which established Subchapter S of Title 33, Code of Federal Regulations. It was stated in that document that the new Subchapter S will eventually contain the regulations implementing the Federal Boat Safety Act of 1971. The regulations in this document are codified in Parts 173 and 174 of Subchapter S of Title 33, instead of Parts 170 and 171 of Title 46, as proposed. In addition, by a document published on page 21404 of this issue of the *FEDERAL REGISTER*, Parts 171, 172, and 173 of Title 46 are revoked because they are replaced by the regulations promulgated in this document.

The Coast Guard received 15 written comments on the proposed regulations. Two oral statements were made at the public hearing on the proposals.

One written comment supported the proposal. Two written comments recommended changing the style of several sections of the proposed regulations but not the substance. The style of the proposed regulations follows generally accepted drafting principles and conforms with all the requirements for publication in the *FEDERAL REGISTER*. Since the sug-

gested changes did not follow these standards, they were not adopted.

Four written comments suggested changes to the proposed § 170.3. Three of the comments proposed new definitions for the phrase, "State of principal use," in paragraph (h). One commenter suggested that the test for the definition should be the use of a State's waters for more than 90 consecutive days during a calendar year. This test was rejected since it is unlikely that all vessels will be used in a single State for 90 consecutive days and some vessels may not be used for 90 consecutive days during a calendar year. Operators of vessels used in waters which serve as boundaries between States may readily break the string of consecutive days by using the vessel solely in the waters of one State for a day or so. Accordingly, the test was found to be impractical.

One commenter recommended that the definition of "State of principal use" be changed to read: "State of principal use and State in which the vessel is principally used are synonymous and mean (1) the State on whose waters a vessel is berthed or used or to be berthed or used most during a calendar year; or (2) the State determined to be the State of principal use pursuant to the provision of reciprocal agreements, arrangements or declarations with other States." The definition as proposed was submitted to each State authority and each member of the Boating Safety Advisory Council for consideration, comment, and suggested changes. The Boating Safety Advisory Council and the majority of the comments received supported the proposed definition.

One commenter requested that the definition of the word "Use" in § 170.3(i) be changed to be more specific. The proposed definition of this word is taken from section 3(4) of the Federal Boat Safety Act of 1971 (85 Stat. 214; 46 U.S.C. 1452), and could not be changed. For these reasons, no changes were made to the definition of the word "Use" or of the phrase "State of principal use."

Five written comments were received concurring in the proposed § 170.11. One commenter suggested that the proposed exception in § 170.11(b) be changed to read: "Military or public vessels of the United States, except public vessels used for recreational purposes." The reason for the suggested change was that recreational-type public vessels are often used as work boats but no datum or evidence was submitted to support the suggestion that this occasional employment should exempt such vessels from the requirements of the law. Since recreational-type vessels were specifically exempted from the exemption granted to military and public vessels and § 170.11(b) repeats this exemption and exception verbatim from section 4(c)(2) of the Federal Boat Safety Act of 1971 (85 Stat. 215, 46 U.S.C. 1453(c)(2)), no change was made.

One comment concerning the exceptions to the applicability listed in § 170.11 was that all undocumented vessels should

be numbered and suggested that such numbering could be accomplished without cost to the Government. Another comment concerning §§ 170.11 and 170.71 requested that recreational-type vessels owned by nonappropriated fund activities of the Armed Forces be exempted from numbering fees. Both comments were rejected for the following reasons: Section 17 of the Federal Boat Safety Act of 1971 requires an undocumented vessel equipped with propulsion machinery of any type to have a number issued by the proper issuing authority in the State in which the vessel is principally used, but section 4(c) of the Act excepts from the applicability of the act—

1. Foreign vessels temporarily using waters subject to the United States jurisdiction;
2. Military or public vessels of the United States, except recreational-type public vessels;
3. A vessel, whose owner is a State or subdivision thereof, which is used principally for governmental purposes, and which is clearly identifiable as such; and
4. Ships' lifeboats.

The exceptions listed in § 170.11 follow section 4(c) of the Act. Although the Act and the proposed regulations require the numbering of certain mechanically propelled vessels, the States may require the numbering of vessels not specifically excepted, such as vessels without propulsion machinery. A fee may be waived without exempting a vessel or class of vessels from numbering by the provisions of section 19(a) of the Act. The provisions of section 19(b) of the Act permit a State, but do not require it, to exempt the same class of vessels exempted by the Coast Guard. The Coast Guard does not intend to collect a fee for numbering vessels owned by nonappropriated fund activities of the Armed Forces in States where the Coast Guard is the issuing authority. The States may also issue numbers to such vessels at no cost.

The above comments did not mention the number of recreation-type vessels owned by nonappropriated fund activities of the Armed Forces, where they are principally used, or the magnitude of the problem, if one exists. If further experience under these regulations shows a substantial problem, it may be necessary to propose further regulations concerning the approval of State numbering systems.

One comment suggested the deletion of § 170.11(c) on the basis that vessels belonging to a State or political subdivision of a State should not be exempted from the numbering requirements. Since § 170.11 follows the exemption in section 4(c)(3) of the Act, the suggestion was not adopted.

One written comment suggested that the wording "required to be documented" be deleted in §§ 170.11(e) and 170.77(b) (1) because this requirement is based on admeasurement. Certain vessels of 5 net tons and over are required by existing law and regulation to be documented due to their employment or use. Since section 17 of the Act applies to undocumented

vessels, documented vessels should not be subject to both a requirement to be documented and a requirement to be numbered. Accordingly, no change was made to § 170.11(e) or to § 170.77(b)(1).

One written comment recommended that § 170.13(a) be changed to read, "A motorboat that is used exclusively for racing." The change was recommended to eliminate from the exemption sailing vessels equipped with propulsion machinery which were not being used exclusively for racing. The exemption from numbering as proposed is effective only where the Coast Guard issues numbers to vessels. A State under the provisions of section 19(b) of the Act and § 171.11(b) and (c) of the proposed regulations may number such vessels. For this reason no change was made to § 170.13(a).

One written comment submitted in support of an oral comment objected to the exemption for yacht tenders in the proposed § 170.13(b) on the basis that it is contrary to the intent of Congress. The objection was considered in light of the legislative history of the Federal Boat Safety Act of 1971. In the Committee on Commerce report of July 8, 1971 (Senate Committee Report 92-248, 92d Congress, 25(1971)), the following is stated: "During the course of the Committee's consideration of the bill, it was suggested that this section be amended to provide that a dinghy or similar boat which is auxiliary to a larger numbered boat carry an identical number to the larger boat, perhaps using a prefix or suffix to distinguish it from the mother vessel. The purpose of such a provision would be to reduce the burden on the boatman of obtaining more than one number for what is essentially a single boat and ancillary equipment. In a letter dated June 11, 1971, the Coast Guard recommended that this purpose be accomplished by regulations rather than by amendment to the bill. The Committee adopted the Coast Guard's recommendation in this regard and anticipates that regulations accomplishing this objective will be promulgated as part of the standard numbering system established by the Secretary under this section." Since Congress approved this exemption, no change was made to § 170.13(b).

A written comment requested that an additional exemption from the numbering requirements be added to the proposed § 170.13 for training vessels loaned by manufacturers for a 10-day period to a national nonprofit organization. The reason given for requesting the exemption is that numbering of consigned craft would create a number of difficulties when transferring them back to the manufacturers. The requested amendment to § 170.13 was not approved for the following reasons: First, the exemption requested by this organization would apply only when the Coast Guard is the issuing authority since a State is under no requirement to exempt from their numbering provisions any vessel or class of vessel that has been exempted by the Coast Guard. Second, any difficulties involved in transferring such consigned

vessels back to the manufacturer could be eliminated by the use of the temporary certificate, as provided in § 170.75, with the permission of the issuing authority.

One comment was directed to §§ 170.15(a) and 170.19 to add a requirement that the certificate of number be current. The requirement that the certificate be valid is provided in § 170.21 and inclusion of this requirement in other sections of the regulations would be redundant. For this reason the suggested change to §§ 170.15(a) and 170.19 was not adopted.

One comment suggested that § 170.17 be rewritten as submitted by the commenter. The proposed section quotes 18 (c) and (d) of the Act for the reciprocity requirements. This permits the States to implement the requirements within the framework of the law. For this reason no change was made to § 170.17.

Six written comments and one oral comment were directed to § 170.27(b) which provides that a vessel being used by a manufacturer or by a dealer for testing or demonstrating could have the number "available to be shown upon demand," as an alternative to having the number permanently attached or having the number painted on or attached to removable plates that are temporarily but firmly attached to each side of the forward half of the vessel. One of the comments recommended retention of the provision and the others recommended its deletion. The comments pointed out the enforcement difficulties where such vessels are involved and the public relations problems. The Coast Guard has found merit in these contentions. In addition, the Coast Guard has found that the proposed regulation is contrary to the requirements of section 21 of the Act. Accordingly, § 170.27(b) is amended to delete the words, "or be available to be shown upon demand."

One written comment suggested the addition of a new paragraph (e) to § 170.27 to read as follows: "This section does not apply to canoes, kayaks, or other small boats equipped with electric motors or engines less than 5 horsepower." This suggestion was not adopted because it is in conflict with section 17 of the Federal Boat Safety Act of 1971, which requires the numbering of an undocumented vessel equipped with propulsion machinery.

One comment suggested an addition to the proposed § 170.33 to require the validation sticker be removed from a vessel when removal of the number was required. The change was recommended to prevent the unlawful use of validation stickers. The comment was adopted and insertion of the recommended requirement has been made in § 170.33.

One comment concerned a problem created in the proposed § 170.35 by the required fastening of the validation sticker on inflatable boats. The commenter pointed out that stickers on such boats become wrinkled and torn, not being able to withstand the repeated foldings of the hull. The comment suggested that inflatable vessels have validation stickers affixed to the transom. The problem was considered by the Coast

Guard in view of the comment made and the problem that would be created for law enforcement forces by affixing the validation sticker on inflatable vessels in a different location than other vessels. The validation sticker and the vessel number must be readily visible to identify the vessel. As manufacturers of some inflatable boats already make provision for oar locks, handrails, mounting of windshields, and other features which are not inflatable, a provision for the placement of a validation sticker on an inflatable vessel on an attached plate or molded panel on the bow is more acceptable to the Coast Guard. Accordingly, the recommended change to § 170.35 was not adopted.

Eight written comments and one oral comment objected to the proposed §§ 170.35 and 171.15 that required validation stickers issued with the certificate of number to be displayed within 3 inches aft of the number and in line with the number. The commenters pointed out that the proposed requirement if adopted would necessitate the changing of validation stickers on a large number of boats currently numbered. The Coast Guard accepted the comments and changed §§ 170.35 and 171.15 to require the validation sticker to be displayed within 6 inches of the number.

One comment was directed to the wording of § 170.51(b) suggesting that "certificate of inspection" should be defined. A definition of "certificate of inspection" was not included in these regulations since the term is defined in each part of the regulations where it is applied. In general, only commercial vessels and very large seagoing vessels are inspected by the Coast Guard, and "certificate of inspection" is a well-known term in the maritime community. Table 2.01-7(a) of Title 46, Code of Federal Regulations lists the classes of vessels examined or inspected under various Coast Guard Regulations. This table is repeated in other sections of title 46 in the regulations concerning the inspection of tank vessels, passenger vessels, small passenger vessels, and cargo and miscellaneous vessels. A repetition of the detailed regulations and tables covering the inspection of vessels in these regulations, which primarily relate to small recreational vessels that are not inspected by the Coast Guard or issued a certificate of inspection, is not considered necessary or appropriate. For this reason, the comment was not adopted.

One written comment questioned the requirement in §§ 170.53(a)(3) and 170.57 that the name of a vessel in addition to the number be listed in a casualty or accident report. The commenter's position was that the name is superfluous when a vessel is numbered. The casualty reporting system as proposed requires reports from both numbered and unnumbered vessels. The requirement for the involved vessel's name will provide additional identification of a numbered vessel and the only identification of an unnumbered vessel. For this reason the suggestion was not adopted.

One written comment recommended that the reporting requirement in § 170.55(a)(3) exclude damage due to vandalism. The Coast Guard decided not to change the word "occurrence" to a more restrictive word since the reporting of casualties and accidents must encompass a great variety of "occurrences." In addition, a vandalism of a vessel that results in damages in excess of \$100 should be reported so the authorities may take appropriate and necessary action.

Two written comments and one oral comment proposed an increase of the reportable property damage from \$100 to \$200 in § 170.55(a)(3). The reporting of property damage over \$100 is required by existing regulations which have been in force for a number of years. It has been demonstrated that the minimum reporting requirement for property damage in order to administer effective boating safety programs is at least \$100. The need for reports of lesser amounts of property damage is demonstrated by the requirements of several States, of reports of damage of \$25 or more. Accordingly, the Coast Guard determined the higher limit would not be conducive to the intended results of the requirement and rejected the suggestion.

Three written comments proposed amending § 170.55 (a)(2) and (b)(2). Two of the comments requested the deletion of the requirement to submit an accident report when as a result of an accident that involves the vessel or its equipment a person loses consciousness. The other comment requested clarification. The Coast Guard has determined that the individual States have the need for reports of serious injuries to supply statistics on aid and medical attention. This need has been expressed in the past to the Coast Guard by a group of State boating law administrators. Although the States could still require such reports, even if the proposed requirement for such reports were deleted, the suggested amendment to § 170.55 (a)(2) and (b)(2) was not adopted in order to promote uniformity in reporting requirements and accident statistics.

One comment suggested that the words "medical treatment" in § 170.55 (a)(2) and (b)(2) be defined. The proposed regulations were developed to insure that all injuries other than very minor injuries would be reported. The development of a definition for these words would be superfluous since they have no other meaning than their common usage. In general, all injuries requiring aid or attention by a physician or other person trained to practice medicine or administer treatment is required to be reported. For this reason the comment was not adopted.

Three written comments proposed changing §§ 170.57 and 171.103 to simplify the accident report form for minor accidents. For uniformity, only one accident reporting form has been prescribed. The information contained in the form, as proposed in the regulations and the casualty reporting system, is intended to be a major source of information for

the determinations that must be made as to promulgation of standards or regulations, or other appropriate action to be taken to promote boating safety. The report form prescribes only the minimum information necessary to fulfill all requirements of an effective boating safety program and the suggestions were not adopted.

One written comment suggested that the examples of the type of vessel operation to be listed on the accident report in § 170.57(u) include "skiing or racing." The operation of the vessel at the time of an accident or casualty is of importance in determining causative factors. For this reason, the comment was adopted.

One written comment directed to §§ 170.59 and 170.29 suggested the addition of a requirement that notification be made to the issuing authority of the "destruction or abandonment of the vessel." The provision for this notification exists in § 170.29 to assure that the issuing authority is properly notified of changes affecting the administration of its numbering system. Section 170.59 requires notification to the proper reporting authority when an accident or casualty occurs and there is damage to a vessel and other property damage totaling more than \$100. Since the suggested change is already incorporated in both sections, no amendment was made.

One comment pointed out a typographical error in § 170.73(a) and the phrase "prescribed or the issuing authority" was corrected by changing the word "or" to the word "by".

One written comment proposed changing § 170.77 to invalidate the certificate of number when the person whose name appears on the certificate involuntarily loses his interest in a vessel by legal process. This proposed amendment was adopted and included in a new paragraph (e) in § 170.77.

One written comment objected to fees for numbering of small boats using propulsion machinery of less than 10 horsepower. Since the Federal Boat Safety Act of 1971 requires the numbering of an undocumented vessel equipped with propulsion machinery and authorizes the issuing authority to establish fees to carry out the intent of the Act, the comment could not be acted upon. The fees charged by the Coast Guard under § 170.85 are \$6 for a number and two validation stickers for a 3-year period and cover only the administrative costs of the Coast Guard numbering program.

One written comment proposed changing § 171.13 by adding the requirements prescribed in § 170.77 validity of certificate of number to the requirements of a State numbering system. The proposed suggestion was approved and a new paragraph (k) was added to § 171.13 incorporating § 170.77 by reference.

Two written comments and one oral statement were directed to § 171.17. The suggestions included that the name of the engine manufacturer be eliminated and the place of manufacture and the name and address of the person from whom the vessel was purchased be added.

One comment suggested the deletion of State of principal use and citizenship. The comments were considered in light of the wide dissemination of the proposed regulations and prior development work with each State and the members of the Boating Safety Advisory Council. The Coast Guard considered the information on the application to be the minimum necessary for administration of the Federal boating safety program and determined that none of the items in question should be eliminated. It was also determined that the information requested to be added is available from other sources; however, each approved State may add additional information considered to be necessary. Accordingly, none of the suggestions were adopted.

Three comments objected to the information requirement in § 171.17(a)(3) of the date of birth of the owner of a vessel applying for a certificate of number. Since this requirement is one of the methods of verification of identity, the suggestion to delete this requirement was rejected.

One comment recommended that the different types of commercial usage listed in § 171.17(a)(8) be eliminated in favor of just one term, "commercial." The ordinary commercial uses of a vessel were included in the proposed regulations as examples of the specificity required. The need to identify vessels or classes of vessels, together with their use or employment is important for law enforcement and for determining problem areas in boating safety that may require preventive measures. Accordingly, the suggested substitution was rejected.

Two written comments suggested that the information in § 171.17(a)(10) include "model year." The suggestion was adopted.

Two written comments from State Boating Administrators suggested that the authorization in § 171.19(b) to omit information from a certificate of number if the manufacturers hull identification number is plainly marked on the certificate be deleted. The information that may be omitted is available on the application for a certificate of number and may be referenced or found through the use of the manufacturers hull identification number. Nevertheless, a State may require the additional information on the certificate of number. Accordingly, the suggestion was not approved.

One comment directed to § 171.19 suggested the deletion of "State of principal use," "year vessel was manufactured," and "Type of vessel." Section 17 of the Federal Boat Safety Act of 1971 provides that a vessel shall have a number issued in the State in which the vessel is principally used. Difficulties would be created in law enforcement if no information on the certificate of number was available to show the State of principal use. A provision has been provided by § 171.19(b) to permit the omission of certain items of information from the certificate if the vessel has a manufacturers hull identification number which is plainly marked on the certificate. This provision would enable an issuing authority to omit

the other information desired to be deleted. For this reason, the suggestion was rejected.

One comment recommended the size of the certificate in § 171.25 be left up to the individual States, and one comment suggested that due to the amount of information required to be on the certificate, the size of the certificate should be reconsidered. The size of the certificate is unchanged from that required by existing regulations which have been in effect for a number of years. Subsection 20(a) of the Federal Boat Safety Act of 1971 requires that the certificate of number be pocket size. The contents of the certificate has been expanded from earlier requirements to include the manufacturers hull identification number and the type of vessel. In consideration of this additional information, a provision was included in § 171.19(b) to permit the omission of certain information from the certificate if the manufacturers hull identification number is plainly marked on the certificate. Accordingly, the suggestions were rejected.

The proposed regulations were provided to each State for review and comment before publishing them in the FEDERAL REGISTER as a notice of proposed rule making. Each comment was considered in preparing the proposed regulations. The Boating Safety Advisory Council has been consulted and its opinion and advice have been considered in the formulation of these regulations. The transcript of the proceedings of the meeting of the Boating Safety Advisory Council during which these regulations were discussed is available for examination in Room 6240, U.S. Coast Guard Headquarters, Department of Transportation Building, 400 Seventh Street SW., Washington, DC 20590. The minutes of the meeting are available from the Executive Director, Boating Safety Advisory Council, at this address.

After consideration of all relevant matters, the amendments proposed in the April 19, 1972, issue of the FEDERAL REGISTER (37 F.R. 7751) are hereby adopted, subject to the following changes:

(1) The regulations in this document are codified in Parts 173 and 174 instead of, as proposed, in Parts 170 and 171, and contained in Subchapter S of Title 33, Code of Federal Regulations instead of Subchapter S of Title 46, Code of Federal Regulations.

(2) In paragraph (b) of § 173.27 (proposed as § 170.27), the words "or be available to be shown upon demand" are deleted.

(3) In § 173.33 (proposed as § 170.33), the words "remove the number from the vessel when * * *" are changed to read "remove the number and validation sticker from the vessel when * * *"

(4) In § 173.35 (proposed as § 170.35), the words "within 3 inches aft of the number and in line with the number" are changed to read "within 6 inches of the number".

(5) In paragraph (u) of § 173.57 (proposed as § 170.57(u)), the words "(cruis-

ing, drifting, fishing, hunting, or other)" are changed to read "(cruising, drifting, fishing, hunting, skiing, racing, or other)".

(6) In paragraph (a) of § 173.73 (proposed as § 170.73(a)), the word "or" is changed to "by."

(7) In § 173.77 (proposed as § 170.77), a new paragraph (e) is added to read as follows:

"(e) The certificate of number is invalid when the person whose name appears on the certificate involuntarily loses his interest by legal process."

(8) In § 174.13 (proposed as § 171.13), paragraph (k) is added to read as follows: "(k) Section 173.77 Validity of certificate of number."

(9) In paragraph (a) of § 174.15 (proposed as § 171.15), the words "displayed aft of the number" are changed to read "displayed within 6 inches of the number."

In consideration of the foregoing, Subchapter S, of Title 33 Code of Federal Regulations, is amended by adding Parts 173 and 174 to read as follows:

Subpart A—General

| Sec. | Purpose. |
|---|---|
| 173.1 | Definitions. |
| Subpart B—Numbering | |
| 173.11 | Applicability. |
| 173.13 | Exemptions. |
| 173.15 | Vessel number required. |
| 173.17 | Reciprocity. |
| 173.19 | Other numbers prohibited. |
| 173.21 | Certificate of number required. |
| 173.23 | Inspection of certificate. |
| 173.25 | Location of certificate of number. |
| 173.27 | Numbers: Display; size; color. |
| 173.29 | Notification to issuing authority. |
| 173.31 | Surrender of certificate of number. |
| 173.33 | Removal of number. |
| 173.35 | Coast Guard validation sticker. |
| Subpart C—Casualty and Accident Reporting | |
| 173.51 | Applicability. |
| 173.53 | Immediate notification of death or disappearance. |
| 173.55 | Report of casualty or accident. |
| 173.57 | Casualty or accident report. |
| 173.59 | Where to report. |
| Subpart D—Issue of Certificate of Number | |
| 173.71 | Application for certificate of number. |
| 173.73 | Duplicate certificate of number. |
| 173.75 | Temporary certificate. |
| 173.77 | Validity of certificate of number. |
| 173.79 | Expiration of Coast Guard certificate of number. |
| 173.81 | Coast Guard forms for numbering and casualty reporting. |
| 173.83 | Availability of Coast Guard forms. |
| 173.85 | Coast Guard fees. |
| Appendix A—Issuing authorities and reporting authorities. | |

AUTHORITY: The provisions of this Part 173 issued under sections 18 and 39, 85 Stat. 213, 220, 228; 46 U.S.C. 1451, 1467, 1488; 49 CFR 1.46(o) (1).

Subpart A—General

§ 173.1 Purpose.

This part prescribes requirements for numbering vessels and for reporting casualties and accidents to implement sections 17, 18, and 37 of the Federal Boat Safety Act of 1971.

§ 173.3 Definitions.

As used in this part:

(a) "Act" means the Federal Boat Safety Act of 1971 (85 Stat. 213; 46 U.S.C. 1451, et seq.).

(b) "Issuing authority" means a State that has a numbering system approved by the Coast Guard or the Coast Guard where a number system has not been approved. Issuing authorities are listed in Appendix A of this part.

(c) "Operator" means the person who is in control or in charge of a vessel while it is in use.

(d) "Owner" means a person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles him to such possession.

(e) "Person" means an individual, firm, partnership, corporation, company, association, joint-stock association, or governmental entity and includes a trustee, receiver, assignee, or similar representative of any of them.

(f) "Reporting authority" means a State that has a numbering system approved by the Coast Guard or the Coast Guard where a numbering system has not been approved. Reporting authorities are listed in Appendix A of this part.

(g) "State" means a State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia.

(h) "State of principal use" means the State on whose waters a vessel is used or to be used most during a calendar year.

(i) "Use" means operate, navigate, or employ.

Subpart B—Numbering

§ 173.11 Applicability.

This subpart applies to each vessel equipped with propulsion machinery of any type used on waters subject to the jurisdiction of the United States and on the high seas beyond the territorial seas for vessels owned in the United States except—

(a) Foreign vessels temporarily using waters subject to U.S. jurisdiction;

(b) Military or public vessels of the United States, except recreational-type public vessels;

(c) A vessel whose owner is a State or subdivision thereof, which is used principally for governmental purposes, and which is clearly identifiable as such;

(d) Ships' lifeboats;

(e) A vessel which has or is required to have a valid marine document as a vessel of the United States.

§ 173.13 Exemptions.

Where the Coast Guard issues numbers, the following classes of vessels are exempt, under section 19(a) of the Act, from the numbering provisions of the Act and this part:

(a) A vessel that is used exclusively for racing.

(b) A vessel equipped with propulsion machinery of less than 10 horsepower that—

(1) Is owned by the owner of a vessel for which a valid certificate of number has been issued;

(2) Displays the number of that numbered vessel followed by the suffix "1" in the manner prescribed in § 173.27; and

(3) Is used as a tender for direct transportation between that vessel and the shore and for no other purpose.

§ 173.15 Vessel number required.

(a) Except as provided in § 173.17, no person may use a vessel to which this part applies unless—

(1) It has a number issued on a certificate of number by the issuing authority in the State in which the vessel is principally used; and

(2) The number is displayed as described in § 173.27.

(b) This section does not apply to a vessel for which a valid temporary certificate has been issued to its owner by the issuing authority in the State in which the vessel is principally used.

§ 173.17 Reciprocity.

(a) Subsection 18(c) of the Act states:

When a vessel is actually numbered in the State of principal use, it shall be considered as in compliance with the numbering system requirements of any State in which it is temporarily used.

(b) Subsection 18(d) of the Act states:

When a vessel is removed to a new State of principal use, the issuing authority of that State shall recognize the validity of a number awarded by any other issuing authority for a period of at least 60 days before requiring numbering in the new State.

§ 173.19 Other numbers prohibited.

No person may use a vessel to which this part applies that has any number that is not issued by an issuing authority for that vessel on its forward half.

§ 173.21 Certificate of number required.

(a) Except as provided in §§ 173.13 and 173.17, no person may use a vessel to which this part applies unless it has on board—

(1) A valid certificate of number or temporary certificate for that vessel issued by the issuing authority in the State in which the vessel is principally used; or

(2) For the vessel described in paragraph (b) of this section, a copy of the lease or rental agreement, signed by the owner or his authorized representative and by the person leasing or renting the vessel, that contains at least—

(i) The vessel number that appears on the certificate of number; and

(ii) The period of time for which the vessel is leased or rented.

(b) Section 20(a) of the Act states in part:

The certificate of number for vessels less than 26 feet in length and leased or rented to another for the latter's noncommercial use of less than 24 hours may be retained on shore by the vessel's owner or his representative at the place from which the vessel departs or returns to the possession of the owner or his representative.

§ 173.23 Inspection of certificate.

Each person using a vessel to which this part applies shall present the certificate or lease or rental agreement required by § 173.21 to any Federal, State, or local law enforcement officer for inspection at his request.

§ 173.25 Location of certificate of number.

No person may use a vessel to which this part applies unless the certificate or lease or rental agreement required by § 173.21 is carried on board in such a manner that it can be handed to a person authorized under § 173.23 to inspect it.

§ 173.27 Numbers: Display; size; color.

(a) Each number required by § 173.15 must—

(1) Be painted on or permanently attached to each side of the forward half of the vessel except as allowed by paragraph (b) or required by paragraph (c) of this section;

(2) Be in plain vertical block characters of not less than 3 inches in height;

(3) Contrast with the color of the background and be distinctly visible and legible;

(4) Have spaces or hyphens that are equal to the width of a letter other than "I" or a number other than "1" between the letter and number groupings (Example: DC 5678 EF or DC-5678-EF); and

(5) Read from left to right.

(b) When a vessel is used by a manufacturer or by a dealer for testing or demonstrating, the number may be painted on or attached to removable plates that are temporarily but firmly attached to each side of the forward half of the vessel.

(c) On vessels so configured that a number on the hull or superstructure would not be easily visible, the number must be painted on or attached to a backing plate that is attached to the forward half of the vessel so that the number is visible from each side of the vessel.

(d) Each number displayed on a tender exempted under § 173.13 must meet the requirements of paragraph (a) of this section and have a space or hyphen that is equal to the width of a letter other than "I" or a number other than "1" between the suffix and the number. (Example: DC 5678 EF 1 or DC-5678-EF-1.)

§ 173.29 Notification to issuing authority.

A person whose name appears as the owner of a vessel on a certificate of number shall, within 15 days, notify the issuing authority in a manner prescribed by the issuing authority of—

(a) Any change in his address;

(b) The theft or recovery of the vessel;

(c) The loss or destruction of a valid certificate of number;

(d) The transfer of all or part of his interest in the vessel; and

(e) The destruction or abandonment of the vessel.

§ 173.31 Surrender of certificate of number.

A person whose name appears as the owner of a vessel on a certificate of number shall surrender the certificate in a manner prescribed by the issuing authority within 15 days after it becomes invalid under paragraph (b), (c), (d), or (e) of § 173.77.

§ 173.33 Removal of number.

The person whose name appears on a certificate of number as the owner of a vessel shall remove the number and validation sticker from the vessel when—

(a) The vessel is documented by the Coast Guard;

(b) The certificate of number is invalid under paragraph (c) of § 173.77; or

(c) The vessel is no longer principally used in the State where the certificate was issued.

§ 173.35 Coast Guard validation sticker.

No person may use a vessel except a vessel exempted in § 173.13 that has a number issued by the Coast Guard unless it has the validation sticker issued with the certificate of number displayed within 6 inches of the number.

Subpart C—Casualty and Accident Reporting

§ 173.51 Applicability.

(a) This subpart applies to each vessel used on waters subject to the jurisdiction of the United States and on the high seas beyond the territorial seas for vessels owned in the United States that—

(1) Is used by its operator for recreational purposes; or

(2) Is required to be numbered under this part.

(b) This subpart does not apply to a vessel required to have a certificate of inspection under Chapter I of Title 46, Code of Federal Regulations.

§ 173.53 Immediate notification of death or disappearance.

(a) When, as a result of an occurrence that involves a vessel or its equipment, a person dies or disappears from a vessel, the operator shall, without delay, by the quickest means available, notify the nearest reporting authority listed in Appendix A of this part of—

(1) The date, time, and exact location of the occurrence;

(2) The name of each person who died or disappeared;

(3) The number and name of the vessel; and

(4) The names and addresses of the owner and operator.

(b) When the operator of a vessel cannot give the notice required by paragraph (a) of this section, each person on board the vessel shall notify the casualty reporting authority or determine that the notice has been given.

§ 173.55 Report of casualty or accident.

(a) The operator of a vessel shall submit the casualty or accident report prescribed in § 173.57 to the reporting authority prescribed in § 173.59 when, as a result of an occurrence that involves the vessel or its equipment—

- (1) A person dies;
- (2) A person loses consciousness or receives medical treatment or is disabled for more than 24 hours;
- (3) Damage to the vessel and other property damage totals more than \$100; or
- (4) A person disappears from the vessel under circumstances that indicate death or injury.

(b) A report required by this section must be made—

(1) Within 48 hours of the occurrence if a person dies within 24 hours of the occurrence;

(2) Within 48 hours of the occurrence if a person loses consciousness or receives medical treatment or is disabled for more than 24 hours or disappears from a vessel; and

(3) Within 5 days of the occurrence or death if an earlier report is not required by this paragraph.

(c) When the operator of a vessel cannot submit the casualty or accident report required by paragraph (a) of this section, the owner shall submit the casualty or accident report.

§ 173.57 Casualty or accident report.

Each report required by § 173.55 must be in writing, dated upon completion, and signed by the person who prepared it and must contain, if available, at least the following information about the casualty or accident:

- (a) The numbers and names of each vessel involved.
- (b) The name and address of each owner of each vessel involved.
- (c) The name of the nearest city or town, the county, the State, and the body of water.
- (d) The time and date the casualty or accident occurred.
- (e) The location on the water.
- (f) The visibility, weather, and water conditions.
- (g) The estimated air and water temperatures.
- (h) The name, address, age, or date of birth, telephone number, vessel operating experience, and boating safety training of the operator making the report.

(i) The name and address of each operator of each vessel involved.

(j) The number of persons on board or towed on skis by each vessel.

(k) The name, address, and date of birth of each person injured or killed.

(l) The cause of each death.

(m) Weather forecasts available to, and weather reports used by, the operator before and during the use of the vessel.

(n) The name and address of each owner of property involved.

(o) The availability and use of personal flotation devices.

(p) The type and amount of each fire extinguisher used.

(q) The nature and extent of each injury.

(r) A description of all property damage and vessel damage with an estimate of the cost of all repairs.

(s) A description of each equipment failure that caused or contributed to the cause of the casualty.

(t) A description of the vessel casualty or accident.

(u) The type of vessel operation (cruising, drifting, fishing, hunting, skiing, racing, or other), and the type of accident (capsizing, sinking, fire, or explosion or other).

(v) The opinion of the person making the report as to the cause of the casualty.

(w) The make, model, type (open, cabin, house, or other), beam width at widest point, length, depth from transom to keel, horsepower, propulsion (outboard, inboard, inboard outdrive, sail, or other), fuel (gas, diesel, or other), construction (wood, steel, aluminum, plastic, fiberglass, or other), and year built (model year), of the reporting operator's vessel.

(x) The name, address, and telephone number of each witness.

(y) The manufacturer's hull identification number, if any, of the reporting operator's vessel.

(z) The name, address, and telephone number of the person submitting the report.

§ 173.59 Where to report.

A report required by § 173.55 must be submitted to—

(a) The reporting authority listed in Appendix A of this part where the vessel number was issued, or, if the vessel has no number, where the vessel is principally used; or

(b) The reporting authority where the casualty or accident occurred, if it occurred outside the State where the vessel is numbered or principally used.

Subpart D—Issue of Certificate of Number

§ 173.71 Application for certificate of number.

Any person who is the owner of a vessel to which § 173.11 applies may apply for a certificate of number for that vessel by submitting to the issuing authority, listed in Appendix A of this part, where the vessel will principally be used—

(a) An application on a form and in a manner prescribed by the issuing authority; and

(b) The fee required by the issuing authority.

§ 173.73 Duplicate certificate of number.

If a certificate of number is lost or destroyed, the person whose name appears on the certificate as the owner may apply for a duplicate certificate by submitting to the issuing authority that issued the certificate—

(a) An application on a form or in a manner prescribed by the issuing authority; and

(b) The fee required by the issuing authority, if any.

§ 173.75 Temporary certificate.

A temporary certificate valid for not more than 60 days after it is issued may be issued by an issuing authority pending the issue of a certificate of number. A temporary certificate is not valid after the date that the owner receives the certificate of number from the issuing authority.

§ 173.77 Validity of certificate of number.

(a) Except as provided in paragraphs (b), (c), (d), and (e) of this section, a certificate of number is valid until the date of expiration prescribed by the issuing authority.

(b) A certificate of number issued by an issuing authority is invalid after the date upon which—

(1) The vessel is documented or required to be documented under Part 67 of Title 46, Code of Federal Regulations;

(2) The person whose name appears on the certificate of number as owner of the vessel transfers all of his ownership in the vessel; or

(3) The vessel is destroyed or abandoned.

(c) A certificate of number issued by an issuing authority is invalid if—

(1) The application for the certificate of number contains a false or fraudulent statement; or

(2) The fees for the issuance of the certificate of number are not paid.

(d) A certificate of number is invalid 60 days after the day on which the vessel is no longer principally used in the State where the certificate was issued.

(e) The certificate of number is invalid when the person whose name appears on the certificate involuntarily loses his interest in the numbered vessel by legal process.

§ 173.79 Expiration of Coast Guard certificate of number.

A certificate of number issued by the Coast Guard expires 3 years from the date it is issued.

§ 173.81 Coast Guard forms for numbering and casualty reporting.

(a) In a State where the Coast Guard is the issuing authority, the following Coast Guard forms must be used:

(1) Each application for a certificate of number or renewal must be made on two-part Form CG-3876 and 3876A, Application for Number and Temporary Certificate.

(2) Each notification required by § 173.29(b) must be made on Form CG-2921, Notification of Change in Status of Vessel.

(3) Each notification required by § 173.29(a) must be made on Form CG-3920, Change of Address Notice.

(4) Each notification required by § 173.29(c) must be made in writing.

(5) Each application for a duplicate certificate of number must be made on

(a) An application on a form or in a manner prescribed by the issuing authority; and

(b) The fee required by the issuing authority, if any.

§ 173.75 Temporary certificate.

A temporary certificate valid for not more than 60 days after it is issued may be issued by an issuing authority pending the issue of a certificate of number. A temporary certificate is not valid after the date that the owner receives the certificate of number from the issuing authority.

§ 173.77 Validity of certificate of number.

(a) Except as provided in paragraphs (b), (c), (d), and (e) of this section, a certificate of number is valid until the date of expiration prescribed by the issuing authority.

(b) A certificate of number issued by an issuing authority is invalid after the date upon which—

(1) The vessel is documented or required to be documented under Part 67 of Title 46, Code of Federal Regulations;

(2) The person whose name appears on the certificate of number as owner of the vessel transfers all of his ownership in the vessel; or

(3) The vessel is destroyed or abandoned.

(c) A certificate of number issued by an issuing authority is invalid if—

(1) The application for the certificate of number contains a false or fraudulent statement; or

(2) The fees for the issuance of the certificate of number are not paid.

(d) A certificate of number is invalid 60 days after the day on which the vessel is no longer principally used in the State where the certificate was issued.

(e) The certificate of number is invalid when the person whose name appears on the certificate involuntarily loses his interest in the numbered vessel by legal process.

§ 173.79 Expiration of Coast Guard certificate of number.

A certificate of number issued by the Coast Guard expires 3 years from the date it is issued.

§ 173.81 Coast Guard forms for numbering and casualty reporting.

(a) In a State where the Coast Guard is the issuing authority, the following Coast Guard forms must be used:

(1) Each application for a certificate of number or renewal must be made on two-part Form CG-3876 and 3876A, Application for Number and Temporary Certificate.

(2) Each notification required by § 173.29(b) must be made on Form CG-2921, Notification of Change in Status of Vessel.

(3) Each notification required by § 173.29(a) must be made on Form CG-3920, Change of Address Notice.

(4) Each notification required by § 173.29(c) must be made in writing.

(5) Each application for a duplicate certificate of number must be made on

two-part Form CG-3919 and CG-3919A, Application for Duplicate Certificate of Number and Temporary Duplicate Certificate.

(6) Each vessel casualty required to be reported by § 173.55 must be made on Form CG-3865.

(b) Each surrender of a certificate of number required by § 173.31 may be made in any form but must contain a written statement as to why the certificate is being surrendered.

§ 173.83 Availability of Coast Guard forms.

In a State where the Coast Guard is the issuing authority, forms required by § 173.81 are available at all manned Coast Guard shore units, except light and loran stations and except for Form CG-3865, at all first- and second-class and some third- and fourth-class post offices.

§ 173.85 Coast Guard fees.

(a) In a State where the Coast Guard is the issuing authority the fees for numbering are—

- (1) Original number and two validation stickers—\$6;
- (2) Renewal of number and two validation stickers—\$6;
- (3) Duplicate certificate of number—\$1; and
- (4) Replacement of lost or destroyed validation sticker—\$0.25 each.

(b) Fees must be paid by check or money order made payable to the "U.S. Coast Guard," except when the application is made in person by the owner, the fee may be paid in cash.

APPENDIX A—ISSUING AUTHORITIES AND REPORTING AUTHORITIES

(a) The State is the issuing authority and reporting authority in:

STATE

| | |
|-------------------|--------------------|
| Alabama—AL. | Nebraska—NB. |
| Arizona—AZ. | Nevada—NV. |
| Arkansas—AR. | New Jersey—NJ. |
| California—CA. | New Mexico—NM. |
| Colorado—CO. | New York—NY. |
| Connecticut—CT. | North Carolina—NC. |
| Delaware—DE. | North Dakota—ND. |
| Florida—FL. | Ohio—OH. |
| Georgia—GA. | Oklahoma—OK. |
| Hawaii—HI. | Oregon—OR. |
| Idaho—ID. | Pennsylvania—PA. |
| Illinois—IL. | Puerto Rico—PR. |
| Indiana—IN. | Rhode Island—RI. |
| Iowa—IA. | South Carolina—SC. |
| Kansas—KA. | South Dakota—SD. |
| Kentucky—KY. | Tennessee—TN. |
| Louisiana—LA. | Texas—TX. |
| Maine—ME. | Utah—UT. |
| Maryland—MD. | Vermont—VT. |
| Massachusetts—MS. | Virginia—VA. |
| Michigan—MI. | Virgin Islands—VI. |
| Minnesota—MN. | West Virginia—WV. |
| Mississippi—MS. | Wisconsin—WI. |
| Missouri—MO. | Wyoming—WY. |
| Montana—MT. | |

(b) The Coast Guard is the issuing authority and reporting authority in:

STATE

| | |
|--------------------------|-------------------|
| Alaska—AK. | Guam—GM. |
| American Samoa—AS. | New Hampshire—NH. |
| District of Columbia—DC. | Washington—WN. |

(c) The abbreviations following the names of the State listed in paragraphs (a) and (b) are the two capital letters that must be used in the number format to denote the State of principal use as prescribed in § 174.23 of this chapter.

Subpart A—General

| | |
|-------|----------------------------|
| Sec. | |
| 174.1 | Applicability. |
| 174.3 | Definitions. |
| 174.5 | Requirements for approval. |
| 174.7 | Approval procedure. |

Subpart B—Numbering System Requirements

| | |
|--------|--|
| 174.11 | Applicability of State numbering system. |
| 174.13 | Owner or operator requirements. |
| 174.15 | Validation stickers. |
| 174.17 | Contents of application for certificate of number. |
| 174.19 | Contents of a certificate of number. |
| 174.21 | Contents of temporary certificate. |
| 174.23 | Form of number. |
| 174.25 | Size of certificate of number. |
| 174.27 | Duration of certificate of number. |
| 174.29 | Temporary certificate of number. |
| 174.31 | Terms and conditions for numbering vessels. |

Subpart C—Casualty Reporting System Requirements

| | |
|---------|--|
| 174.101 | Applicability of State casualty reporting system. |
| 174.103 | Administration. |
| 174.105 | Owner or operator casualty reporting requirements. |
| 174.107 | Contents of casualty or accident report. |

Subpart D—State Reports

| | |
|---------|---|
| 174.121 | Forwarding of casualty or accident reports. |
| 174.123 | Annual report of numbered vessels. |
| 174.125 | Coast Guard address. |

AUTHORITY: The provisions of this Part 174 issued under sections 18 and 39, 85 Stat. 213, 220, 228; 46 U.S.C. 1451, 1467, 1488; 49 CFR 1.46(c) (1).

Subpart A—General

§ 174.1 Applicability.

This part establishes a standard numbering system for vessels and a uniform vessel casualty reporting system for vessels by prescribing requirements applicable to the States for the approval of State numbering systems.

§ 174.3 Definitions.

As used in this part:

(a) "Act" means the Federal Boat Safety Act of 1971 (85 Stat. 213; 46 U.S.C. 1451, et seq.).

(b) "Operator" means the person who is in control or in charge of a vessel while it is in use.

(c) "Owner" means a person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles him to such possession.

(d) "Reporting authority" means a State where a numbering system has been approved by the Coast Guard or the Coast Guard where a numbering system has not been approved. Reporting authorities are listed in Appendix A of Part 173 of this chapter.

§ 174.5 Requirements for approval.

The Commandant approves a State numbering system if he finds, after examination of the information submitted by a State, that the State numbering system and vessel casualty reporting system meet the requirements in this part and the provisions of sections 18 through 24 and section 37 of the Act relating to numbering and casualty reporting.

§ 174.7 Approval procedure.

To obtain approval by the Commandant of a numbering system or of any revision to a numbering system, an authorized representative of the State must submit three copies of the State laws, regulations, forms, and policy statements, if any, that pertain to the numbering system or revision to U.S. Coast Guard (GBL/62), 400 Seventh Street SW., Washington, DC 20590.

Subpart B—Numbering System Requirements

§ 174.11 Applicability of State numbering system.

(a) Except as allowed in paragraph (c) of this section, a State numbering system must require the numbering of vessels to which § 173.11 of this chapter applies.

(b) A State numbering system may require the numbering of any vessel subject to the jurisdiction of the State unless prohibited by the regulations in Part 173 of this chapter.

(c) A State numbering system may exempt from its numbering requirements any vessel or class of vessels to which § 173.13 of this chapter applies.

§ 174.13 Owner or operator requirements.

A State numbering system must contain the requirements applicable to an owner or a person operating a vessel that are prescribed in the following sections of Part 173 of this chapter:

(a) Paragraph (a) of § 173.15 Vessel number required of this chapter.

(b) Section 173.19 Other numbers prohibited of this chapter.

(c) Paragraph (a) of § 173.21 Certificate of number required of this chapter.

(d) Section 173.23 Inspection of certificate of this chapter.

(e) Section 173.25 Location of certificate of number of this chapter.

(f) Section 173.29 Notification to issuing authority of this chapter.

(g) Section 173.31 Surrender of certificate of number of this chapter.

(h) Section 173.33 Removal of number of this chapter.

(i) Section 173.71 Application for certificate of number of this chapter.

(j) Section 173.73 Duplicate certificate of number of this chapter.

(k) Section 173.77 Validity of certificate of number of this chapter.

§ 174.15 Validation stickers.

(a) If a State issues validation stickers, its numbering system must contain the requirements that stickers must be

displayed within 6 inches of the number and the stickers must meet the requirements in paragraphs (b) and (c) of this section.

(b) Validation stickers must be approximately 3 inches square.

(c) The year in which each validation sticker expires must be indicated by the colors, blue, international orange, green, and red, in rotation beginning with blue for stickers that expire in 1973.

§ 174.17 Contents of application for certificate of number.

(a) Each form for application for a certificate of number must contain the following information:

(1) Name of the owner.
(2) Address of the owner, including ZIP code.

(3) Date of birth of the owner.
(4) Citizenship of the owner.

(5) State in which vessel is or will be principally used.

(6) The number previously issued by an issuing authority for the vessel, if any.

(7) Whether the application is for a new number, renewal of a number, or transfer of ownership.

(8) Whether the vessel is used for pleasure, rent or lease, dealer or manufacturer demonstration, commercial passenger carrying, commercial fishing, or other commercial use.

(9) Make of vessel.
(10) Year vessel was manufactured or model year.

(11) Manufacturer's hull identification number, if any.

(12) Overall length of vessel.

(13) Type of vessel (open, cabin, house, or other).

(14) Whether the hull is wood, steel, aluminum, fiberglass, plastic, or other.

(15) Whether the propulsion is inboard, outboard, inboard-outdrive, or sail and name of engine manufacturer if available.

(16) Whether the fuel is gasoline, diesel, or other.

(17) The signature of the owner.

(b) An application made by a manufacturer or dealer for a number that is to be temporarily affixed to a vessel for demonstration or test purposes may omit items 9 through 16 of paragraph (a) of this section.

(c) An application made by a person who intends to lease or rent the vessel without propulsion machinery may omit items 15 and 16 of paragraph (a) of this section.

§ 174.19 Contents of a certificate of number.

(a) Except as allowed in paragraphs (b), (c), and (d) of this section, each certificate of number must contain the following information:

(1) Number issued to the vessel.
(2) Expiration date of the certificate.
(3) State of principal use.

(4) Name of the owner.

(5) Address of owner, including ZIP code.

(6) Whether the vessel is used for pleasure, rent or lease, dealer or manufacturer demonstration, commercial pas-

senger carrying commercial fishing or other commercial use.

(7) Manufacturer's hull identification number (if any).

(8) Make of vessel.

(9) Year vessel was manufactured.

(10) Overall length of vessel.

(11) Whether the vessel is an open boat, cabin cruiser, houseboat, or other type.

(12) Hull material.

(13) Whether the propulsion is inboard, outboard, inboard-outdrive, or sail.

(14) Whether the fuel is gasoline, diesel, or other.

(15) A quotation of the State regulations pertaining to change of ownership or address; documentation, loss, destruction, abandonment, theft, or recovery of vessel; carriage of the certificate of number on board when the vessel is in use; rendering aid in a boat accident; and reporting of vessel casualties and accidents.

(b) A certificate of number issued to a vessel that has a manufacturer's hull identification number assigned, may omit items 8 through 14 of paragraph (a) of this section if the manufacturer's hull identification number is plainly marked on the certificate.

(c) A certificate of number issued to a manufacturer or dealer to be used on a vessel for test or demonstration purposes may omit items 7 through 14 of paragraph (a) of this section if the word "manufacturer" or "dealer" is plainly marked on the certificate.

(d) A certificate of number issued to a vessel that is to be rented or leased without propulsion machinery may omit items 13 and 14 of paragraph (a) of this section if the words "livery vessel" are plainly marked on the certificate.

§ 174.21 Contents of temporary certificate.

A temporary certificate issued pending the issuance of a certificate of number must contain the following information:

(a) Make of vessel.
(b) Length of vessel.
(c) Type of propulsion.
(d) State in which vessel is principally used.

(e) Name of owner.

(f) Address of owner, including ZIP code.

(g) Signature of owner.

(h) Date of issuance.

(i) Notice to the owner that the temporary certificate is invalid after 60 days from the date of issuance.

§ 174.23 Form of number.

(a) Each number must consist of two capital letters denoting the State of the issuing authority, as specified in Appendix A of Part 173 of this chapter, followed by—

(1) Not more than four numerals followed by not more than two capital letters (example: NH 1234 BD); or

(2) Not more than three numerals followed by not more than three capital letters (example: WN 567 EFG).

(b) A number suffix must not include the letters "I", "O", or "Q," which may be mistaken for numerals.

§ 174.25 Size of certificate of number.

Each certificate of number must be approximately 2½ by 3½ inches.

§ 174.27 Duration of certificate of number.

A certificate of number must not be valid for more than 3 years.

§ 174.29 Temporary certificate of number.

A State may issue a temporary certificate of number that is effective for not more than 60 days.

§ 174.31 Terms and conditions for vessel numbering.

A State numbering system may condition the issuance of a certificate of number on—

(a) Title to, or other proof of ownership of a vessel except a recreational-type public vessel of the United States; or

(b) The payment of State or local taxes, except for a recreational-type public vessel of the United States.

Subpart C—Casualty Reporting System Requirements

§ 174.101 Applicability of State casualty reporting system.

(a) A State casualty reporting system must require the reporting of vessel casualties and accidents involving vessels to which § 173.51 of this chapter applies.

(b) The State casualty reporting system may require vessel casualty or accident reports resulting in property damage of less than \$100.

§ 174.103 Administration.

The State casualty reporting system must be administered by a State agency that—

(a) Will provide for the reporting of all casualties and accidents prescribed in § 173.55 of this chapter;

(b) Receives reports of vessel casualties or accidents required in § 174.101;

(c) Reviews accident and casualty reports to assure accuracy and completeness of reporting;

(d) Determines the cause of casualties and accidents reported;

(e) Notifies the Coast Guard, in writing, when a problem area in boating safety peculiar to the State is determined, together, with corrective measures instituted or recommended; and

(f) Reports on vessel numbering and vessel casualties and accidents as required in Subpart D of this part.

§ 174.105 Owner or operator casualty reporting requirements.

A State vessel casualty reporting system must contain the following requirements of Part 173 of this chapter applicable to an owner or a person operating a vessel:

(a) Section 173.55 *Report of casualty or accident of this chapter.*

(b) Section 173.59 *Where to report of this chapter.*

(c) Section 173.53 *Immediate notification of death or disappearance of this chapter.*

(d) Section 173.57 *Casualty or accident report of this chapter.*

(e) Section 173.61 *Rendering of assistance in casualties of this chapter.*

§ 174.107 *Contents of casualty or accident report form.*

Each form for reporting a vessel casualty or accident must contain the information required in § 173.57 of this chapter.

Subpart D—State Reports

§ 174.121 *Forwarding of casualty or accident reports.*

Within 30 days of the receipt of a casualty or accident report, each State that has an approved numbering system must forward a copy of that report to the Commander of the Coast Guard District in which the State Capitol is located, except that Ohio and Minnesota must forward reports to the Commander, Ninth Coast Guard District, and Vermont to the Commander, Third Coast Guard District.

§ 174.123 *Annual report of numbered vessels.*

Before March 1 of each year, each State that has an approved numbering system must prepare and submit Coast Guard Form CGHQ-3923, Report of Certificates of Number Issued to Boats, to the Coast Guard.

§ 174.125 *Coast Guard address.*

The report required by § 174.123 must be sent to U.S. Coast Guard (GBD/62), 400 Seventh Street SW., Washington, DC 20590.

Effective date. These amendments are effective on July 1, 1973.

(Secs. 18, 39, 85 Stat. 213, 220, 228; 46 U.S.C. 1451, 1467, 1488; 49 CFR 1.46(o) (1))

Dated: September 29, 1972.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.72-17046 Filed 10-6-72;8:45 am]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

[CGD 72-176R]

SUBCHAPTER S—NUMBERING OF UNDOCUMENTED VESSELS, STATISTICS ON NUMBERING AND "BOATING ACCIDENT REPORTS" AND ACCIDENT STATISTICS

PART 171—STANDARDS FOR NUMBERING

PART 172—INTERPRETIVE RULINGS— FEDERAL BOATING ACT AND ACT OF APRIL 25, 1940, AS AMENDED

PART 173—BOATING ACCIDENTS, REPORTS, AND STATISTICAL INFORMATION

Revocation

The purpose of the amendments in this document is to revoke Parts 171, 172, and 173 of Subchapter S of Title 46, Code of Federal Regulations.

A notice of proposed rule making was published in the April 19, 1972, issue of the FEDERAL REGISTER (37 F.R. 7751) proposing the establishment of a standard numbering system for vessels required to be numbered by the Federal Boat Safety Act of 1971 (85 Stat. 213; 46 U.S.C. 1451, et seq.) and a uniform reporting system of casualties and accidents involving vessels subject to the Federal Boat Safety

Act of 1971. The Coast Guard issued the notice as a proposed revision of Subchapter S of Title 46, Code of Federal Regulations.

On page 21396 of this issue of the FEDERAL REGISTER, a rule is published based on the notice of proposed rule making of April 19, 1972. In that document, it is explained that the amendments are made to Subchapter S of Title 33, Code of Federal Regulations, which was established in the July 7, 1972, issue of the FEDERAL REGISTER (37 F.R. 13346) to contain the regulations implementing the Federal Boat Safety Act of 1971.

The amendments in this document revoke Parts 171, 172, and 173 of Subchapter S, Title 46, Code of Federal Regulations because they are superseded by the regulations promulgated on page 21396 of this issue of the FEDERAL REGISTER. Since the explanation in the April 19, 1972, notice of proposed rule making fully explained the proposed revision of Subchapter S of Title 46, Code of Federal Regulations and the public participated in that rule making by submitting oral and written comments, and additional notification of the change in codification is considered unnecessary because there has been no substantive change in the regulations as proposed.

In consideration of the foregoing, Subchapter S of Title 46, Code of Federal Regulations is amended as follows:

1. By revoking Parts 171, 172 and 173.

Effective date. These amendments are effective on July 1, 1973.

(Sec. 39, 85 Stat. 213, 228; 46 U.S.C. 1488; 46 CFR 1.46(o) (1))

Dated: September 29, 1972.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.72-17045 Filed 10-6-72;8:45 am]